

CIVIL SERVICE COMMISSION MINUTES

August 19, 1998

A regular meeting of the Civil Service Commission was held at 2:30 p.m., in Room 358 at the County Administration Building, 1600 Pacific Highway, San Diego, California.

Present were:

Gordon Austin, President
Roy Dixon, Vice-President
Mary Gwen Brummitt
Sigrid Pate

Comprising a quorum of the Commission

Valencia-Cothran being absent

Larry Cook, Executive Officer
Ralph Shadwell, Deputy County Counsel
Joy Kutzke, Reporting

CIVIL SERVICE COMMISSION MINUTES
August 19, 1998

2:00 p.m. CLOSED SESSION: Discussion of Personnel Matters and Pending Litigation

2:30 p.m. OPEN SESSION: Room 358, 1600 Pacific Highway,
San Diego, California 92101

PRE-AGENDA CONFERENCE

<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
3,7,10	5,6,8		

COMMENTS Motion by Brummitt to approve all items not held for discussion; seconded by Pate. Carried.

CLOSED SESSION AGENDA
County Administration Center, Room 458
(Notice pursuant to Government Code Sec. 54954.2)
Members of the Public may be present at this
location to hear the announcement of the
Closed Session Agenda.

- a. Commissioner Brummitt: Dung Tran, S.E.I.U. Local 2028, on behalf of **Anne Mackenzie** appealing an Order of Demotion from the Health and Human Services Agency.

REGULAR AGENDA

NOTE: Five total minutes will be allocated for input on Agenda Items unless additional time is requested at the outset and it is approved by the President of the Commission.

MINUTES

1. Approval of the Minutes of the regular meeting of August 5, 1998.

Approved.

CONFIRMATION OF ASSIGNMENT

2. Commissioner Valencia-Cothran as hearing officer in the appeal of **Jim Parks** from an Order of Suspension from the Sheriff's Department.

Confirmed.

DISCIPLINARY FINDINGS

3. Commissioner Brummitt: Dung Tran, S.E.I.U. Local 2028, on behalf of **Anne Mackenzie** appealing an Order of Demotion from the Health and Human Services Agency.

FINDINGS AND RECOMMENDATIONS:

Employee was charged with Cause I - conduct unbecoming an employee of the County of San Diego; Cause II - discourteous treatment of another employee of the County; Cause III - guilty of good behavior; and Cause IV - acts incompatible with or inimical to the public service. As the result of action taken at a Board of Supervisors' meeting, Employee drafted and sent a letter to a State agency soliciting information. Employee's letter was disrespectful, condescending and critical of a Board member's questions at said meeting. Employee has been employed by the County for approximately 14 years and has a superior performance record. This hearing officer concludes that Employee was remiss for writing the letter. However, a two level demotion is too severe considering this single transgression and Employee's high level of past performance. Employee is guilty of Causes I, II, III and IV. Therefore, it is recommended that the written Order of Demotion from Aging Program Specialist III to Aging Program Specialist I be modified by returning employee to Aging Program specialist III effective March 27, 1998, with back pay and benefits reflecting the difference between Aging Program Specialist III and Aging Program Specialist I. In place of Demotion, effective March 27, 1998, Employee's compensation is reduced from Aging Program Specialist III step 5, to Aging Program Specialist II step 3, for a period of time to correspond with thirty (30) full calendar days of suspension as an Aging Program Specialist III, step 5; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

Motion by Brummitt to approve Findings and Recommendations; seconded by Austin. Carried.

PROCEDURAL INVESTIGATIONS

Complaints

4. **Alicia Mariscal** requesting a Rule XI investigation regarding the manner in which she was discharged from the Department of Agriculture, Weights and Measures.

RECOMMENDATION: Deny request.

Staff recommendation approved.

5. **Deborah Olberding**, S.E.I.U. Local 2028, requesting a Rule XI investigation regarding the manner in which EOMO was abolished and the use of the Office of Internal Affairs to investigate discrimination cases.

RECOMMENDATION: Deny request.

Continued to CSC meeting of 9/2/98.

COMPULSORY LEAVE

Findings

6. Commissioner Austin: James Gattey, Esq., on behalf of **Joseph Gibbs** appealing an Order of Compulsory Leave from the Sheriff's Department.

FINDINGS AND RECOMMENDATIONS:

Continued to CSC meeting of 9/2/98.

SELECTION PROCESS FINDINGS/COMPLAINTS

Complaints

7. Everett Bobbitt, Esq. on behalf of **Laura Whalen**, Corrections Deputy Sheriff, requesting a Rule X hearing or Rule XI investigation regarding "the Sheriff's selection/removal/refusal to reappoint her to the classification of Deputy Sheriff. . .".

RECOMMENDATION: Deny request.

Richard Pinckard, Esq., addressed the Commission regarding Ms. Whalen's classification status at the time of her disciplinary appeal to the Commission and subsequent reinstatement by the Commission. He requested that Ms. Whalen be granted either a selection process hearing or investigation. He stated that staff's recommendation to deny Ms. Whalen's request for a Rule X hearing was based on her failure file a timely appeal. Mr. Pinckard pointed out that Ms. Whalen never received formal notice from the Sheriff regarding the Department's disposition relative to her position as a Deputy Sheriff. Joeseeph Battaglino responded on behalf of the Sheriff's Department clarifying that Ms. Whalen was never appointed as a Deputy Sheriff. She was a Corrections Deputy and continues to serve in such capacity. He pointed out that during the course of Ms. Whalen's disciplinary hearing before the Commission, a discrepancy in her classification was never challenged. The issue was raised subsequent to her appeal before the Commission and subsequent Commission decision.

Motion by Austin to approve staff recommendation; seconded by Pate. Carried.

8. **Luz Elena Quintanar, Josefina Bularan, Laura Diaz, Joan Durkin and Maria T. Gomez and Maria Quiroz**, employees of Health and Human Services Agency requesting a Rule X Selection Process hearing regarding DHR's determination that they were ineligible to compete for Patient Services Specialist I's and II's.

RECOMMENDATION: Continue to next CSC meeting pending input from the Agency.

Continued to CSC meeting of 9/2/98.

Findings

9. **Jason Rouse** appeal of removal of his name by DHR from the employment list for Deputy Sheriff for failure to meet the employment standards.

FINDINGS AND RECOMMENDATION: Ratify Item No. 9. Appellant has been successful in the appellate process provided by Civil Service Rule 4.2.2.

Ratified.

10. Commissioner Dixon: Deborah Olberding, S.E.I.U. Local 2028, on behalf of **Adell Burge** an employee in the Department of the Public Defender appealing DHR's denial to allow her to compete in the selection process for Criminal Legal Secretary II.

FINDINGS AND RECOMMENDATION:

Employee's complaint revolved around the recruitment process by the Department of Human Resources for the Criminal Legal Secretary II (CLS II) classification within the Department of the Public Defender and the District Attorney's Office. DHR deemed Employee ineligible to compete as a CLS II. The parties stipulated that the only issue in dispute was whether or not Employee had the requisite experience providing direct secretarial service to attorneys in order to meet the minimum qualifications for CLS II. This hearing officer concludes that Employee meets the minimum qualifications for CLS II and should be placed on the employment list for that classification. Therefore, it is recommended that the Civil Service Commission determine that Employee meets the minimum qualifications for CLS II and that her name be placed on the employment list for that classification; and that the Commission approve and file this report.

Motion by Dixon to approve Findings and Recommendations; seconded by Brummitt. Carried.

OTHER MATTERS

Performance Appraisals

11. **Marilyn Wansten** an employee in the District Attorney's Office and Gregory Thompson, Assistant District Attorney, on behalf of the District

Attorney, requesting the sealing of Ms. Wansten's performance appraisal covering the period February 28, 1997 to February 28, 1998.

RECOMMENDATION: Grant request.

Staff recommendation approved.

Extension of Temporary Appointments

12. Housing and Community Development

1 Housing Aide (Thomas E. D'Lugo)

13. Agriculture, Weights & Measures

6 Insect Detection Specialist I's (Victor Armendariz, Paul Cadena, Katherine Dobbins, Lisa Dumolt, Nestor Silva, Jorge Olivares)

14. Health and Human Services Agency

2 Residential Care Worker II's (Isabel Dominguez, Creston Davis)

1 Residential Care Worker I (Colleen Doell)

RECOMMENDATION: Ratify item Nos. 12 through 14.

Item Nos. 12 through 14 ratified.

15. Public Input.

ADJOURNMENT: 3:30 p.m.

NEXT MEETING OF THE CIVIL SERVICE COMMISSION WILL BE SEPTEMBER 2, 1998.